

Regular Session, 2009

HOUSE BILL NO. 520

BY REPRESENTATIVE CROMER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VOTING/REGISTRATION: Provides for electronic voter registration

1 AN ACT

2 To amend and reenact R.S. 18:103(A), 104(A)(15), and 105(A) and to enact R.S. 18:115.1,  
3 relative to registration of voters; to provide for electronic registration of voters; to  
4 provide relative to changes in registration; to provide relative to the powers and  
5 duties of the secretary of state; to provide relative to the powers and duties of  
6 registrars of voters; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 18:103(A), 104(A)(15), and 105(A) are hereby amended and  
9 reenacted and R.S. 18:115.1 is hereby enacted to read as follows:

10 §103. Personal appearance of applicant required; exceptions

11 A. Except as otherwise specifically provided by law, any person who meets  
12 the qualifications for voter registration and desires to register as an elector shall  
13 apply to do so by making application in person to a registrar or deputy registrar of  
14 the parish in which he seeks to register, by submission of the federal postcard  
15 application form as authorized in this Code, by application through the Department  
16 of Public Safety and Corrections, by application through designated voter  
17 registration agencies, electronically on the secretary of state's website if the person  
18 has a valid Louisiana driver's license or Louisiana special identification card issued  
19 pursuant to R.S. 40:1321, or by mail using the national voter registration form as  
20 promulgated by the Federal Election Commission, the state mail voter registration  
21 form, or a computer-generated form thereof containing the same requests for

1 information as prescribed by R.S. 18:104 or as contained on the Federal Election  
2 Commission voter registration form.

3 \* \* \*

4 §104. Application for registration; form

5 A. The secretary of state, subject to approval by the attorney general as to  
6 content, shall prescribe the form that shall be used uniformly by each registrar in the  
7 state and any person authorized to accept voter registration applications in registering  
8 qualified citizens to vote. The form shall contain spaces for at least the following  
9 information with respect to the applicant:

10 \* \* \*

11 (15) The application form also shall inform the applicant of the penalty for  
12 violation of applicable laws relating to registration of voters and shall contain an  
13 affidavit to be subscribed, through a handwritten signature, before the registrar,  
14 deputy, or any person authorized to accept voter registration applications attesting  
15 that the applicant is a United States citizen and that the facts given by him on this  
16 application are true to the best of his knowledge and belief. When the registration  
17 application is completed at the office of motor vehicles of the Department of Public  
18 Safety and Corrections or electronically on the secretary of state's website, an  
19 electronically captured signature of the applicant may suffice as a handwritten  
20 signature of the applicant.

21 \* \* \*

22 §105. Establishment of identity; proof of naturalization of foreign-born applicant

23 A. Except as otherwise provided by the laws governing absentee registration,  
24 electronic registration, and mail registration, each applicant shall establish his  
25 identity, age, and residency. The registrar or any person authorized to accept voter  
26 registration applications shall require the applicant to submit his current Louisiana  
27 driver's license, if he has one, or his birth certificate, or other documentation which  
28 reasonably and sufficiently establishes the applicant's identity, age, and residency.  
29 A birth certificate shall ~~only be used~~ be used only to establish the applicant's identity

1 and age. For the purposes of this Subsection, a short-form birth certification card  
2 shall be acceptable as a birth certificate. If the registrar or any person authorized to  
3 accept voter registration applications has good reason to believe that the applicant  
4 is not the person he represents himself to be or is not qualified to register as provided  
5 in R.S. 18:101, he shall require the applicant to produce two witnesses who reside  
6 in his precinct to make oath to establish his identity, age, and residency.

7 \* \* \*

8 §115.1. Electronic registration

9 A. A person who has a valid Louisiana driver's license or Louisiana special  
10 identification card issued pursuant to R.S. 40:1321 may apply to register to vote or  
11 make changes to his existing registration by completing and submitting an electronic  
12 voter registration application on the secretary of state's website.

13 B. The secretary of state shall design and implement a system to allow for  
14 electronic voter registration as provided in this Section.

15 C.(1) The electronic voter registration application shall contain spaces for  
16 the information required pursuant to R.S. 18:104, except that the applicant shall  
17 attest that the facts given by him on the application are true to the best of his  
18 knowledge and belief, and such attestation shall take the place of the affidavit  
19 required pursuant to R.S. 18:104(A)(15).

20 (2) The applicant shall assent to the use of his Louisiana driver's license or  
21 Louisiana special identification card signature for voter registration purposes.

22 (3) The applicant shall not be allowed to submit the application unless it is  
23 complete.

24 (4)(a) Immediately upon submission of the application, the information  
25 submitted by the applicant shall be checked to ensure that the Louisiana driver's  
26 license number or Louisiana special identification card number submitted by the  
27 applicant matches the information maintained by the Department of Public Safety  
28 and Corrections.

1           **(b) If a match is made, the secretary of state shall electronically forward the**  
2           **information provided in the application, along with a digital copy of the applicant's**  
3           **signature obtained from the Department of Public Safety and Corrections, to the**  
4           **appropriate registrar of voters to determine the eligibility of the applicant in**  
5           **accordance with Chapter 4 of this Title. The applicant shall be immediately**  
6           **informed that his application has been electronically forwarded to the appropriate**  
7           **registrar of voters, but that the applicant will not be officially registered to vote or**  
8           **that changes to his existing registration will not be made until his application is**  
9           **received and approved by the registrar of voters.**

10           **(c) If a match cannot be made, the secretary of state shall not electronically**  
11           **forward the application. The applicant shall be immediately informed that his**  
12           **application cannot be processed, and he shall be instructed to print his completed**  
13           **application and mail it to the registrar of voters for the parish in which the applicant**  
14           **resides.**

15           **D. An electronic voter registration application shall be deemed to have been**  
16           **made as of the date the applicant is informed pursuant to Subparagraph (C)(4)(b) of**  
17           **this Section that his application has been electronically forwarded to the appropriate**  
18           **registrar of voters by the secretary of state.**

19           **E. The secretary of state may employ additional security measures to ensure**  
20           **the accuracy and integrity of electronic voter registration applications.**

21           **F. Except as otherwise specifically provided, an electronic voter registration**  
22           **application electronically forwarded by the secretary of state shall be considered, for**  
23           **purposes of this Title, an application for registration by mail.**

24           **G. Each registrar of voters shall maintain such statistical records on**  
25           **electronic voter registration applications as requested by the secretary of state.**

26           Section 2. This Act shall become effective April 1, 2010.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Cromer

HB No. 520

**Abstract:** Provides for electronic voter registration.

Present law (La. Election Code) provides for registration of voters. Provides for application for registration at the office of the registrar, through DPS&C, through a designated voter registration agency, or by mail. Provides for the form of an application for registration. Provides for the content of the form. If applying in person, requires the applicant to establish his identity, age, and residency. Provides procedures for verifying information submitted by an applicant in an application for registration by mail. Provides for mailing of a notification of missing information and for a notice of registration. Provides procedures for changes in registration. Proposed law retains present law.

Proposed law provides that a person who has a valid La. driver's license or La. special identification card may apply to register to vote or make changes to his existing registration by completing and submitting an electronic voter registration application on the secretary of state's website. Requires the secretary of state to design and implement a system to allow for electronic voter registration as provided by proposed law.

Proposed law provides that the electronic voter registration application shall contain spaces for the information required pursuant to present law to be included on the form for applying for registration. Provides that the applicant shall attest that the facts given by him on the application are true to the best of his knowledge and belief and that such attestation shall take the place of the affidavit required pursuant to present law. Requires the applicant to assent to the use of his La. driver's license or La. special identification card signature for voter registration purposes.

Proposed law provides that the applicant shall not be allowed to submit the electronic voter registration application unless it is complete. Requires the information submitted by the applicant to be immediately checked to ensure that the La. driver's license number, and La. special identification card number submitted by the applicant match the information maintained by DPS&C.

Proposed law provides that if a match is made, the secretary of state shall electronically forward the information provided in the application, along with a digital copy of the applicant's signature obtained from DPS&C, to the appropriate registrar of voters to determine the eligibility of the applicant in accordance with present law. Requires that the applicant be immediately informed that his application has been electronically forwarded to the appropriate registrar, but that the applicant will not be officially registered to vote or that changes to his existing registration will not be made until his application is received and approved by the registrar of voters.

Proposed law provides that if a match cannot be made, the secretary of state shall not electronically forward the application. Requires that the applicant be immediately informed that his application cannot be processed and be instructed to print his completed application and mail it to the registrar of voters for the parish in which the applicant resides.

Proposed law provides that the secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically.

Proposed law provides that except as otherwise specifically provided, an electronic voter registration application accepted by the secretary of state shall be considered an application for registration by mail.

Proposed law requires each registrar of voters to maintain such statistical records on the number of applications to register to vote electronically as requested by the secretary of state.

Proposed law provides that an electronic voter registration application shall be deemed to have been made as of the date it is accepted by the secretary of state.

Effective April 1, 2010.

(Amends R.S. 18:103(A), 104(A)(15), and 105(A); Adds R.S. 18:115.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Adds references to specific present law provisions for Louisiana special identification cards.
2. Provides that a person may make changes to his existing registration by completing and submitting an electronic voter registration application.
3. Changes "verified" to "checked" in proposed law provisions concerning comparison of information submitted by the applicant with information maintained by DPS&C.
4. Removes proposed law authorization for the secretary of state to check the last four digits of the social security number submitted by the applicant with information maintained by the Social Security Administration as a way of checking the identity of the applicant.
5. Removes proposed law provisions requiring the secretary of state to "accept" an electronic voter registration application.
6. Instead of "transmitting" the electronic voter registration application to the appropriate registrar, provides that the secretary of state shall "electronically forward" such application.
7. Provides that an electronic voter registration application shall be deemed to have been made as of the date the applicant is informed by the secretary of state that his application has been electronically forwarded to the appropriate registrar, instead of being deemed to have been made as of the date the application was "accepted" by the secretary of state.
8. Changes the effective date of the Act from Jan. 1, 2010 to April 1, 2010.